

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 361 OF 2005

STATE OF GOA THROUGH CHIEF
SECRETARY AND 3 ORS.,

....Petitioners

Versus

JOSE VIRGILIO JOQUIM COELO VELHO
AND 4 ORS.,

....Respondents

Shri S.S. Kantak, Advocate General with Ms.G.D.S.Bhonsule, Addl.
Govt. Advocate for the Petitioners.

Coram:- R. M. LODHA, J.

Date:- 5th October, 2005

P.C.:

Heard Shri S.S Kantak, the learned Advocate General.

Unfair. Unreasonable. This is how this Writ Petition can be termed as having been filed at the instance of the State Government and its functionaries against the Order dated 19th June, 2004 recorded by the High Court Legal Services Committee, Lok Adalat.

On a specious plea that the Range Forest Officer had no authority to settle the matter at the rate of Rs.4/- per sq.m., the Order of the Lok Adalat is sought to be challenged.

It is not expected of the State Government to resile from the solemn statement made on its behalf by the authorised officer before the Lok Adalat on the purported ground that the Range Forest Officer had no authority to settle the matter. If he had no authority, how could he appear before the Lok Adalat and if he exceeded his brief as is sought to be made out on the basis of the Order dated 13.8.1998 issued by the Government of

Goa setting out broad guidelines for determination of the appropriate rates, the action ought to have been taken which admittedly has not been done. The Lok Adalat was not expected to make an inquiry as to what extent the authority of Range Forest Officer extends. In any case if the Range Forest Officer acted beyond his authority, the proceedings for recovery of excess amount could be initiated against him in accordance with law but that does not invalidate the Order of the Lok Adalat..

The Writ Petition is frivolous and, accordingly, dismissed in limine.

R. M. LODHA, J.

sl.